

110TH CONGRESS
1ST SESSION

S. 283

To amend the Compact of Free Association Amendments Act of 2003, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2007

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To amend the Compact of Free Association Amendments
Act of 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Compacts of Free As-
5 sociation Amendments Act of 2007”.

6 **SEC. 2. APPROVAL OF AGREEMENTS.**

7 Section 101 of the Compact of Free Association
8 Amendments Act of 2003 (48 U.S.C. 1921) is amended—

9 (1) in the first sentence of subsection (a), by in-
10 serting before the period at the end the following: “,

1 including Article X of the Federal Programs and
 2 Services Agreement Between the Government of the
 3 United States and the Government of the Federated
 4 States of Micronesia, as amended under the Agree-
 5 ment to Amend Article X that was signed by those
 6 two Governments on June 30, 2004, which shall
 7 serve as the authority to implement the provisions
 8 thereof”; and

9 (2) in the first sentence of subsection (b), by in-
 10 serting before the period at the end the following: “,
 11 including Article X of the Federal Programs and
 12 Services Agreement Between the Government of the
 13 United States and the Government of the Republic
 14 of the Marshall Islands, as amended under the
 15 Agreement to Amend Article X that was signed by
 16 those two Governments on June 18, 2004, which
 17 shall serve as the authority to implement the provi-
 18 sions thereof”.

19 **SEC. 3. CONFORMING AMENDMENT.**

20 Section 105(f)(1) of the Compact of Free Association
 21 Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is
 22 amended by striking subparagraph (A) and inserting the
 23 following:

24 “(A) EMERGENCY AND DISASTER ASSIST-
 25 ANCE.—

“(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

“(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term ‘will provide funding’ means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.”.

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking “and its territories” and inserting “, its territories, and the Republic of Palau”;

1 (2) in clause (iii)(II), by striking “, or the Re-
 2 public of the Marshall Islands” and inserting “, the
 3 Republic of the Marshall Islands, or the Republic of
 4 Palau”; and

5 (3) in clause (ix)—

6 (A) by striking “Republic” both places it
 7 appears and inserting “government, institu-
 8 tions, and people”;

9 (B) by striking “2007” and inserting
 10 “2009”; and

11 (C) by striking “was” and inserting
 12 “were”.

13 **SEC. 5. AVAILABILITY OF LEGAL SERVICES.**

14 Section 105(f)(1)(C) of the Compact of Free Associa-
 15 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C))
 16 is amended by inserting before the period at the end the
 17 following: “, which shall also continue to be available to
 18 the citizens of the Federated States of Micronesia, the Re-
 19 public of Palau, and the Republic of the Marshall Islands
 20 who legally reside in the United States (including terri-
 21 tories and possessions)”.

22 **SEC. 6. TECHNICAL AMENDMENTS.**

23 (a) TITLE I.—

24 (1) SECTION 177 AGREEMENT.—Section
 25 103(c)(1) of the Compact of Free Association

1 Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is
 2 amended by striking “section 177” and inserting
 3 “Section 177”.

4 (2) INTERPRETATION AND UNITED STATES
 5 POLICY.—Section 104 of the Compact of Free Asso-
 6 ciation Amendments Act of 2003 (48 U.S.C. 1921c)
 7 is amended—

8 (A) in subsection (b)(1), by inserting “the”
 9 before “U.S.–RMI Compact,”;

10 (B) in subsection (e)—

11 (i) in the matter preceding subpara-
 12 graph (A) of paragraph (8), by striking
 13 “to include” and inserting “and include”;

14 (ii) in paragraph (9)(A), by inserting
 15 a comma after “may”; and

16 (iii) in paragraph (10), by striking
 17 “related to service” and inserting “related
 18 to such services”; and

19 (C) in the first sentence of subsection (j),
 20 by inserting “the” before “Interior”.

21 (3) SUPPLEMENTAL PROVISIONS.—Section
 22 105(b)(1) of the Compact of Free Association
 23 Amendments Act of 2003 (48 U.S.C. 1921d(b)(1))
 24 is amended by striking “Trust Fund” and inserting
 25 “Trust Funds”.

1 (b) TITLE II.—

2 (1) U.S.—FSM COMPACT.—The Compact of Free
3 Association, as amended, between the Government of
4 the United States of America and the Government
5 of the Federated States of Micronesia (as provided
6 in section 201(a) of the Compact of Free Association
7 Amendments Act of 2003 (117 Stat. 2757)) is
8 amended—

9 (A) in section 174—

10 (i) in subsection (a), by striking
11 “courts” and inserting “court”; and

12 (ii) in subsection (b)(2), by striking
13 “the” before “November”;

14 (B) in section 177(a), by striking “, or
15 Palau” and inserting “(or Palau)”;

16 (C) in section 179(b), by striking “amend-
17 ed Compact” and inserting “Compact, as
18 amended,”;

19 (D) in section 211—

20 (i) in the fourth sentence of sub-
21 section (a), by striking “Compact, as
22 Amended, of Free Association” and insert-
23 ing “Compact of Free Association, as
24 amended”;

(ii) in the fifth sentence of subsection (a), by striking “Trust Fund Agreement,” and inserting “Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),”;

(iii) in subsection (b)—

(I) in the first sentence, by striking “Government of the” before “Federated”; and

(II) in the second sentence, by striking “Sections 321 and 323 of the Compact of Free Association, as Amended” and inserting “Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,”; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”;

1 (E) in the first sentence of section 215(b),
2 by striking “subsection(a)” and inserting “sub-
3 section (a)”;

4 (F) in section 221—

5 (i) in subsection (a)(6), by inserting
6 “(Federal Emergency Management Agen-
7 cy)” after “Homeland Security”; and

8 (ii) in the first sentence of subsection
9 (c), by striking “agreements” and inserting
10 “agreement”;

11 (G) in the second sentence of section 222,
12 by inserting “in” after “referred to”;

13 (H) in the second sentence of section 232,
14 by striking “sections 102 (c)” and all that fol-
15 lows through “January 14, 1986)” and insert-
16 ing “section 102(b) of Public Law 108–188,
17 117 Stat. 2726, December 17, 2003”;

18 (I) in the second sentence of section 252,
19 by inserting “, as amended,” after “Compact”;

20 (J) in the first sentence of the first undes-
21 ignated paragraph of section 341, by striking
22 “Section 141” and inserting “section 141”;

23 (K) in section 342—

1 (i) in subsection (a), by striking “14
 2 U.S.C. 195” and inserting “section 195 of
 3 title 14, United States Code”; and

4 (ii) in subsection (b)—

5 (I) by striking “46 U.S.C.
 6 1295(b)(6)” and inserting “section
 7 1303(b)(6) of the Merchant Marine
 8 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
 9 and

10 (II) by striking “46 U.S.C.
 11 1295b(b)(6)(C)” and inserting “sec-
 12 tion 1303(b)(6)(C) of that Act”;

13 (L) in the third sentence of section 354(a),
 14 by striking “section 442 and 452” and insert-
 15 ing “sections 442 and 452”;

16 (M) in section 461(h), by striking “Tele-
 17 communications” and inserting “Telecommuni-
 18 cation”;

19 (N) in section 462(b)(4), by striking “of
 20 Free Association” the second place it appears;
 21 and

22 (O) in section 463(b), by striking “Articles
 23 IV” and inserting “Article IV”.

24 (2) U.S.-RMI COMPACT.—The Compact of Free
 25 Association, as amended, between the Government of

1 the United States of America and the Government
2 of the Republic of the Marshall Islands (as provided
3 in section 201(b) of the Compact of Free Associa-
4 tion Amendments Act of 2003 (117 Stat. 2795)) is
5 amended—

6 (A) in section 174(a), by striking “court”
7 and inserting “courts”;

8 (B) in section 177(a), by striking the
9 comma before “(or Palau)”;

10 (C) in section 179(b), by striking “amend-
11 ed Compact,” and inserting “Compact, as
12 amended,”;

13 (D) in section 211—

14 (i) in the fourth sentence of sub-
15 section (a), by striking “Compact, as
16 Amended, of Free Association” and insert-
17 ing “Compact of Free Association, as
18 amended”;

19 (ii) in the first sentence of subsection
20 (b), by striking “Agreement between the
21 Government of the United States and the
22 Government of the Republic of the Mar-
23 shall Islands Regarding Military Use and
24 Operating Rights” and inserting “Agree-
25 ment Regarding the Military Use and Op-

erating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)”; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: “and the Federal Programs and Services Agreement referred to in section 231”;

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking “Section 231” and inserting “section 231”; and

(ii) in paragraph (5), by inserting “(Federal Emergency Management Agency)” after “Homeland Security”;

(F) in the second sentence of section 232, by striking “sections 103(m)” and all that follows through “(January 14, 1986)” and insert-

ing “section 103(k) of Public Law 108–188,
117 Stat. 2734, December 17, 2003”;

(G) in the first sentence of section 341, by
striking “Section 141” and inserting “section
141”;

(H) in section 342—

(i) in subsection (a), by striking “14
U.S.C. 195” and inserting “section 195 of
title 14, United States Code”; and

(ii) in subsection (b)—

(I) by striking “46 U.S.C.
1295(b)(6)” and inserting “section
1303(b)(6) of the Merchant Marine
Act, 1936 (46 U.S.C. 1295b(b)(6))”;
and

(II) by striking “46 U.S.C.
1295b(b)(6)(C)” and inserting “sec-
tion 1303(b)(6)(C) of that Act”;

(I) in the third sentence of section 354(a),
by striking “section 442 and 452” and insert-
ing “sections 442 and 452”;

(J) in the first sentence of section 443, by
inserting “, as amended.” after “the Compact”;

(K) in the matter preceding paragraph (1)
of section 461(h)—

- 1 (i) by striking “1978” and inserting
 2 “1998”; and
 3 (ii) by striking “Telecommunications”
 4 and inserting “Telecommunication Union”;
 5 and
 6 (L) in section 463(b), by striking “Article”
 7 and inserting “Articles”.

8 **SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

9 Section 111(e)(2) of title 17, United States Code, is
 10 amended by striking “or the Trust Territory of the Pacific
 11 Islands” and inserting “the Federated States of Micro-
 12 nesia, the Republic of Palau, or the Republic of the Mar-
 13 shall Islands”.

14 **SEC. 8. PALAU ROAD MAINTENANCE.**

15 The Government of the Republic of Palau may de-
 16 posit the payment otherwise payable to the Government
 17 of the United States under section 111 of Public Law
 18 101–219 (48 U.S.C. 1960) into a trust fund if—

- 19 (1) the earnings of the trust fund are expended
 20 solely for maintenance of the road system con-
 21 structed pursuant to section 212 of the Compact of
 22 Free Association between the Government of the
 23 United States of America and the Government of
 24 Palau (48 U.S.C. 1931 note); and

1 (2) the trust fund is established and operated
2 pursuant to an agreement entered into between the
3 Government of the United States and the Govern-
4 ment of the Republic of Palau.

5 **SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST**
6 **FUNDS.**

7 In the U.S.–RMI Compact, the U.S.–FSM Compact,
8 and their respective trust fund subsidiary agreements, for
9 the purposes of taxation by the United States or its sub-
10 sidiary jurisdictions, the term “State” means “State, ter-
11 ritory, or the District of Columbia”.

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